

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Television Systems)	MB Docket 87-268
And Their Impact upon the)	
Existing Television Broadcast)	
Service)	

To: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Chief, Media Bureau

**COMMENTS OF THE NEW JERSEY PUBLIC
BROADCASTING AUTHORITY**

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January 25, 2007

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SUMMARY

The New Jersey Public Broadcasting Authority (NJPBA) files its comments in response to the Commission's Seventh Further Notice of Proposed Rule Making (Notice). NJPBA supports the proposed DTV channel allotment for WNJB-DT, Trenton, New Jersey, while noting that the FCC specifies incorrect coordinates for this facility. NJPBA opposes the FCC's proposed resolution of the New York DMA allotments insofar as it waives the interference rules to allow allotment of Channel 7 to WABC-DT, New York, New York, licensed to American Broadcasting Companies, Inc. (ABC) while causing interference to WNJB-DT, without any concomitant assurance that NJPBA will be able to relocate WNJB-DT from its current site to a site at Four Times Square (FTS), New York, New York. As detailed herein and in other filings, the parties reached an accord following whereby NJPBA agreed not to object to allotment of Channel 7 to WABC-DT if NJPBA could secure approval of its move to FTS and ABC agreed not to object to a move to WNJB-DT to FTS if ABC could secure Channel 7 for DTV use. NJPBA merely wants the benefits of its bargain, which was hammered out through extensive pleadings and meetings with ABC and the FCC.

NJPBA further observes that relocation of WNJB-DT to FTS would well serve the public interest by: (1) redressing to some degree the historical short-changing of New Jersey and NJPBA with respect to channel allocations; (2) providing both ABC with its preferred channel on a largely interference-free basis; (3) eliminating substantial interference from WABC-DT to WNJB-DT; (4) significantly reducing interference to three stations in addition to WABC-DT without increasing interference to any other allotment in the proposed Final

Table; (5) dramatically improving NJPBA service to the New York DMA in which WNJB-DT is located; and (6) reinforcing the perception of the New York DMA as a “VHF” market.

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Attn: The Commission

COMMENTS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY

The New Jersey Public Broadcasting Authority (NJPBA), through its attorneys and pursuant to Section 1.415 of the rules, hereby files its Comments in response to the Commission's Seventh Further Notice of Proposed Rule Making (Notice) in the above-referenced proceeding proposing a new DTV Table of Allotments (DTV Table). In support thereof, the following is shown:

I. INTRODUCTION

1. NJPBA for over 30 years has operated a statewide public television network consisting of public Stations WNJT(TV), Trenton; WNJS(TV), Camden; WNJN(TV), Montclair; and WNJB(TV), New Brunswick, New Jersey. These stations variously operate in the New York and Philadelphia Designated Market Areas (DMAs). These facilities provide programming the majority of which is unique to NJPBA and not duplicated by any other station.

2. NJPBA has worked with all due diligence to make the transition from analog to digital broadcast service. Despite the limitations of public funding

upon which it relies, NJPBA was an early pioneer in the development of DTV service and has implemented DTV service on all of its full-service television facilities.

3. NJPBA has reviewed the Notice. NJPBA supports the proposed DTV channel allotments for NJPBA Stations WNJS, WNJN, and WNJB. NJPBA similarly supports the proposed DTV channel allotment for NJPBA Station WNJT while noting that the FCC: (1) proposes a substantial amount of interference for this flagship facility and (2) specifies incorrect coordinates for the station's transmitter location.¹ Finally, NJPBA opposes the Commission's proposed resolution of the New York DMA allotments insofar as it waives the interference rules to allow allotment of Channel 7 to WABC-DT, New York, New York, licensed to American Broadcasting Companies, Inc. (ABC) at the Empire State Building (ESB) while causing interference to WNJB-DT, without any concomitant assurance that NJPBA will be able to relocate WNJB-DT from its current site to a site at Four Times Square (FTS), New York, New York. As the FCC is well aware, based on previous filings and conferences with FCC staff and ABC representatives, the parties reached an effective accord whereby NJPBA agreed not to object to allotment of Channel 7 to WABC-DT if NJPBA could secure approval of its move to FTS and ABC agreed not to object to a move by WNJB-DT to FTS if ABC could secure allotment of Channel 7 as its permanent DTV channel. In the Notice, the FCC used a flawed analysis to award ABC its requested waiver without providing NJPBA its requested relief. NJPBA merely

¹ The correct coordinates for this facility are: 40-16-58N, 74-41-11W . See license authorization granted September 15, 2003, attached hereto as Attachment A. NJPBA requests that these corrected coordinates be reflected in the Final Table.

wants the benefit of its bargain and observes that the public interest compels approval of the relocation of WNJB-DT to FTS to maximize efficient and effective DTV service to the public.

4. Toward this end, NJPBA simultaneously herewith has filed an application for minor modification of WNJB-DT to relocate the station to the FTS site. This application meets all technical rules and, if granted, will result in dramatic reduction in interference to both WABC-DT and to WNJB-DT as well as an enormous increase in service by WNJB-DT. It does require a waiver of the FCC's current processing freeze applicable to various TV modification applications. If the FCC will merely play its role in implementing the NJBPA/ABC arrangement by timely granting the WNJB-DT modification application and/or specifying the FTS coordinates as the reference coordinates for WNJB-DT, then NJPBA has no objection to the proposed allotment of Channel 7 to WABC-DT. As shown below, fundamental equity, the Commission's own determinations reached through its exhaustive DTV deliberations and the public interest demand approval of NJPBA's proposed relocation of WNJB-DT now.

II. HISTORY OF NEGOTIATIONS AMONG ABC, NJPBA AND THE FCC

5. The background underlying this application is fully canvassed in the following filings in MB Docket 03-15:

- a. Emergency Request for Waiver (Request) jointly filed August 15, 2005 in by American Broadcasting Companies, Inc. (ABC), licensee of WABC-TV, New York, New York, and WPIX, Inc. (WPIX), licensee of WPIX-TV, New York, New York.
- b. Comments in Opposition to "Emergency Request for Waiver" filed September 12, 2005 in 03-15 by NJPBA.

- c. Reply to Opposition filed October 7, 2005 in by ABC/WPIX in connection with NJPBA's Comments.
- d. Letter filed May 12, 2006 by ABC among other things agreeing not to object to NJPBA's relocation of WNJB-DT on technical grounds if the FCC acts favorably on ABC's waiver request.
- e. Letter filed June 2, 2006 by NJPBA agreeing to favorable action on ABC's waiver request provided the FCC approves by final order NJPBA's relocation to FTS.

Reduced to their essence, these filings stand for the following propositions:

- a. ABC seeks to maximize service operating on DTV Channel 7 at ESB, but due to the current location of WNJB-DT vis-à-vis ESB, ABC's proposed operation on Channel 7 causes interference to 2.8% of WNJB-DT's service area and also results in a loss of service in New Jersey to approximately 90,000 current WABC viewers.
- b. Various licensees including ABC claim to be vitally concerned that the Commission preserves to the extent possible an all-VHF environment in the New York City market.
- c. The affected New York-area licensees will not agree voluntarily to colocation of WNJB-DT at ESB.
- d. Colocation of WNJB-DT with other New York market broadcasters, including in particular WABC-TV, Channel 7, favorably resolves every concern articulated by various parties interested in this matter by: (1) allowing NJPBA to maximize service within its DMA and thereby remedy to some extent the historical obstacles, rooted in the allocation scheme, that this New Jersey licensee has faced in providing service to the public; (2) eliminating all interference and allowing every affected licensee to maximize service; (3) eliminating all concerns regarding the loss of a VHF presence in the New York market; and 4) easing allocation difficulties in the congested mid-Atlantic region which have resulted in unnecessary interference among various licensees.

6. From the beginning of the tortuous process of moving from analog to digital television service, NJPBA has strived to improve service to the public.

For many months if not years, ABC and all of the New York licensees have been well aware of the potential for interference between DTV Channel 8 and Channels 7 and 9 to the extent that the latter frequencies might be desired for DTV use. NJPBA secured Channel 8 in 1999 as the result of a channel swap with Mountain Broadcasting Company, licensee of WMBC-TV, Newton, New Jersey, another disadvantaged New Jersey commercial licensee hobbled with an inferior DTV allotment. Pursuant to the FCC's rules encouraging licensees to maximize facilities, NJPBA in 2000 proposed maximization of Channel 8; that application (FCC File No. BMPEDT-20000425AAM) was granted on May 14, 2001. At the bottom line, the channel swap enabled NJPBA to secure the first reserved VHF channel ever allotted to a noncommercial licensee in New Jersey,² vastly expand service by two New Jersey stations to millions of additional viewers in an historically underserved state while effectively eliminating a serious interference problem affecting use of Channel 19 for public safety purposes in the Central New Jersey area; although unknown at the time, the efficacy of this swap has been amplified by the events of September 11, 2001.

7. Shortly after September 11, 2001, New York-area broadcasters, including ABC, as well as WPIX, EBC and Fox, joined to form the Metropolitan Television Alliance (MTA) with a view toward rebuilding devastated broadcast facilities. Soon after MTA's formation, NJPBA asked to be included in the plan

² Noncommercial educational Station WNET(TV), Channel 13, though licensed to Newark, New Jersey, operates on an unreserved channel which was made available for noncommercial use pursuant to an arrangement in the early 1960s involving New York licensees which expanded public broadcast service while reducing potential commercial competition in the area.

for rebuilding the New York stations in light of the obvious potential benefits of colocation of Channel 8. MTA declined NJPBA's request.

8. In February 2005, MTA for the first time approached NJBPA with a comprehensive channel allotment proposal affecting the mid-Atlantic region. Among other things, MTA proposed that NJPBA relinquish Channel 8 in exchange for another UHF frequency. The purpose of this exchange was simple – to allow colocation of Channel 8 at the Empire State Building (ESB) and, later, at the Freedom Tower (FT) planned for the World Trade Center site, so that Channel 8 could be used by another New York licensee and NTSC Channels 7 and 9 could be used by ABC and Fox for their DTV operations. Colocation of Channel 8 was thus an integral part of the common plan for rebuilding New York facilities. Notably, MTA never fully disclosed the specifics of its plan, despite repeated requests by NJPBA for this information and, too, the alternate channel proffered to NJPBA was inferior to Channel 8, whether Channel 8 was located at its current site in New Brunswick or at the ESB. NJPBA responded by suggesting that colocation of Channel 8 at MTA expense could be the basis of an agreement which would allow MTA to accomplish some, if not all, of its objectives while maximizing use by NJPBA of Channel 8. MTA rejected this proposal claiming that construction and operation of NJPBA Channel 8 would be “cost prohibitive.”³

9. On June 7, 2005, the FCC sent a “60-day” letter to ABC rejecting ABC's election of Channel 7 for DTV use due to interference to NJPBA's

³ NJPBA understands that this MTA plan, which involved many more issues than that of Channel 8 alone, did not succeed for a variety of reasons.

Channel 8 and directing ABC to attempt to resolve the problem by 1) reducing facilities to eliminate the objectionable interference; 2) reaching a negotiated arrangement with NJPBA as the affected licensee; or 3) electing its in-core DTV channel. For some 56 days, ABC did nothing. It did not contact NJPBA in any way during this period to even attempt to resolve the issue in a mutually agreeable manner. Then, on August 2, 2005, six days before the deadline for filing its conflict resolution decision (FCC Form 383),⁴ ABC for the first time contacted NJPBA with a letter proposing that NJPBA 1) waive the interference; 2) reduce Channel 8 power; and 3) install a directional antenna. ABC did not suggest any consideration of any kind to NJPBA in exchange for these dramatic concessions. If accepted, this proposal obviously would have undermined the fundamental value to NJPBA of Channel 8 as a maximized VHF facility providing outstanding coverage to Northern New Jersey and the New York Metropolitan area. NJPBA understandably rejected this proposal and reiterated its willingness to discuss colocation. At that time, ABC refused to engage in any negotiation contemplating colocation.⁵

10. On January 19, 2006, representatives of NJBPA and ABC met with FCC staff persons to discuss possible voluntary resolution of the case in a manner which would permit both parties to achieve their goals. At that meeting, NJPBA proposed to relocate WNJB-DT to FTS, thereby achieving colocation with

⁴ On August 2, 2005, this deadline was extended for one week by the FCC (see Public Notice, "DTV Channel Election: First Round Conflict Decision Extension and Guidelines for Interference Conflict Analysis," DA 05-2233, released August 2, 2005).

⁵ ABC reiterated its "no colocation" position in a subsequent meeting with NJPBA on September 23, 2005.

other New York broadcasters without using the ESB site. NJBPA informally submitted the technical parameters of the proposed operation, and the Commission staff informally concluded that it did not create prohibited interference to any other licensee. Subsequently, in its letter filed May 12, 2006, ABC agreed not to object to NJPBA's proposal on technical grounds as long as ABC received favorable action on its waiver request. NJPBA responded by agreeing to favorable action on ABC's waiver request in exchange for favorable action on relocation of WNJB-DT to FTS.⁶ A conference call among ABC, NJPBA and FCC staff persons clarified the concerns and positions of the parties, and NJPBA thereafter provided information demonstrating that relocation to FTS would result in dramatic expansion of service with no concomitant loss of service to existing NJPBA viewers.⁷

III. HISTORICAL SHORT-CHANGING OF NEW JERSEY AND NJPBA IN ALLOCATIONS

11. Historically, New Jersey and its licensees, both commercial and noncommercial, have been treated as second-class citizens in the broadcast world. Throughout the history of television broadcasting, the State of New Jersey has been deprived of adequate local television service. The course of this regrettable development was set long ago with the initial licensing of VHF television stations in the 1940s in New York, New York and Philadelphia, Pennsylvania, and the FCC's development of a Table of Allocations in the early

⁶ See NJPBA Letter dated June 2, 2006 by NJPBA in MB Docket 03-15.

⁷ See Notice of Ex Parte Presentation in MB Docket 03-15 filed by ABC June 12, 2006 and Ex Parte Presentation in MB Docket 03-15 filed by NJPBA on June 20, 2006, incorporated herein by reference.

1950s, that precluded allocation of desirable VHF channels to New Jersey. In spite of its substantial population and autonomous commercial, political and cultural identity, New Jersey was allocated only UHF frequencies, and NJPBA in particular was assigned four UHF frequencies. This circumstance has impeded NJPBA's efforts to develop complete coverage of the state.⁸ It has also seriously impaired NJPBA's efforts to serve the New York DMA and compete with the numerous other stations, including at least four licensed to communities in New Jersey, that operate from ESB. It should be stressed that approximately 36.7% of the area and 31.3% of the population of the New York DMA resides in New Jersey; by any measure, the State of New Jersey and its residents are an integral part of this market area.⁹

12. Against this backdrop of inadequate allocations, the FCC in the 1970s considered alternative means to bring effective VHF service, albeit commercial, to New Jersey. For a number of reasons, it declined to change the VHF allocations scheme while imposing special service obligations on out-of-state commercial broadcasters. In the 1980s, the FCC reallocated WWOR from New York City to Secaucus as the result of Congressional legislation which

⁸ In the late 1970s, NJPBA tried to improve its coverage by seeking to move WNJB-TV, New Brunswick, to the World Trade Center, but this proposal was rejected on technical grounds.

⁹ Throughout this proceeding, efforts have been made by various parties to cast NJPBA's proper role as that of a New Jersey-based licensee which has no business serving areas outside the State. NJPBA categorically rejects the premise that it is a parochial licensee whose legitimate audience consists solely of New Jersey residents or that only New Jersey residents have any interest in NJPBA programming. Like every other station licensed by the FCC, NJPBA is charged with the responsibility of providing service throughout its service area, without reference to political boundaries. See, in this regard, Comments in Opposition to "Emergency Request for Waiver" filed September 12, 2005 by NJPBA in MB Docket 03-15.

essentially allowed the then licensee to avoid losing its license because of certain misconduct in exchange for agreeing to the move.

13. Viewed in this light, WNJB-DT, Channel 8, represents a dramatic improvement in the State's and NJPBA's channel allotments that will enable it to provide high-quality service to millions more viewers than ever before, including viewers in and out of the state of New Jersey. In this regard, it should be noted that NJPBA's program service is in no way duplicated by other stations; in fact, the majority of its schedule does not air on other stations serving areas also served by NJPBA.

IV. THE FCC'S GRANT OF ABC'S WAIVER REQUEST IS FLAWED

14. The FCC predicate for its grant of ABC's waiver request (Notice, para. 36) is flawed in significant respects; indeed, its analysis ignores certain key facts in a manner detrimental to NJPBA. First, the agency claims that ABC is a pioneer of service while, "in contrast, WNJB has not built its digital facility and recently requested an extension of its STA beyond the July 1, 2006 'use-or-lose' deadline . . ." In fact, NJPBA years ago built out WNJB to the extent that it currently serves well over 100% of its existing audience; it is simply inaccurate to state that "WNJB has not built its digital facility". And, too, NJPBA in fact has implemented all four of its DTV facilities. Under these circumstances, contrary to the Commission's suggestion, NJPBA's request for extension of its STA for WNJB-DT beyond the "use-or-lose" deadline based on the facility's status as a

satellite was specifically endorsed by the FCC¹⁰, is entirely appropriate and is irrelevant to the issue of whether or not NJPBA ultimately will build out the station as it has committed to do or, more importantly, whether ABC is deserving of its waiver.

15. As a matter of fact, NJPBA appears to have adopted DTV technology before ABC inasmuch as its flagship Station WNJT-DT, Trenton, was one of the first stations in the country to broadcast digital service pursuant to experimental authority granted by the FCC in July of 1999. Further, the Commission entirely ignores the loss of service to over 90,000 existing ABC viewers occasioned by grant of the waiver without concomitant approval of WNJB-DT's relocation to FTS.

16. At the bottom line, NJPBA objects to the waiver granted to ABC in the absence of favorable action on its proposal to relocate Station WNJB-DT to FTS. It has no such objection if the Commission follows through on its commitment to favorable action for NJPBA through approval of the FTS relocation.¹¹ In light of NJPBA's pursuit in good faith of a compromise acceptable to ABC and in light of the history of allocations favoritism repeatedly accorded the New York and Philadelphia markets at the expense of New Jersey, this is the least the Commission can do.

¹⁰ See, Public Notice, DA 06-1255, released June 14, 2006: "DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline", pp. 5-6.

¹¹ Nor does NJPBA object to continuation of ABC's waiver if, following approval of the relocation of WNJB-DT to FTS, NJPBA for whatever reason does not implement the modification.

V. THE FCC SHOULD ACT NOW TO RELOCATE WNJB-DT TO FTS

17. NJPBA urges the FCC to implement both sides of the bargain struck with ABC by approving colocation of WNJB-DT at FTS now. As shown in the Engineering Statement attached hereto as Attachment B, colocation remedies a variety of problems (some acknowledged by the Commission – see Notice, para. 36), whether real or merely perceived, that attend DTV implementation in the New York market and its surrounding areas. These include most notably problems involving interference that should be of paramount concern to the FCC as it oversees the transition from analog to digital service.

18. Initially, colocation will provide ABC with its preferred DTV channel on a largely interference-free basis. In particular, ABC currently is predicted to suffer interference to over 90,000 of its viewers, almost all of whom are located in New Jersey, from the operation of WNJB-DT at its current location. See Engineering Statement p. 2. This substantial interference to current ABC viewers in New Jersey is wholly ignored by the Commission in the recitation of factors underlying its decision to grant ABC's waiver request. Colocation of WNJB-DT at FTS will eliminate this interference.

19. Colocation similarly eliminates substantial interference from WABC-DT to WNJB-DT and ameliorates other adverse effects of the FCC's proposed Final Table. As acknowledged by the FCC, colocation "would be likely to reduce or eliminate the predicted interference to [NJPBA's] digital operations on channel 8." Notice, para. 8. In addition, it should be noted that the proposed Final Table for the first time predicts levels of interference to WNJB-DT of 9.72%, well above

and beyond the 2.8% caused by operation of WABC-DT on Channel 7. Much of this interference in fact is caused by WABC-DT, Channel 7, and would be eliminated by collocation. Specifically, the proposed WNJB-DT facility at FTS would receive interference to but 0.08% of its service population, of which only 0.008% would be caused by WABC-DT. See Engineering Statement, p. 3.

20. Further, the move to FTS would significantly reduce interference to four stations (including WABC) without increasing interference to any other allotment in the proposed Final Table. In particular, relocation to FTS would reduce overall interference to WABC would be reduced by over 50%, to WGAL(TV), Lancaster, Pennsylvania by almost 33%, to WBPG-TV, Bethlehem, Pennsylvania, by almost 50% and to WICZ-TV, Binghamton, New York, by a modest amount. See Engineering Statement, p. 2, p. 6.

21. Colocation would also allow NJPBA to realize a longtime goal to locate a facility on an ideal site so as to achieve maximum service to its constituents and for the first time provide NJPBA a measure of parity with other New York and New Jersey licensees in serving the New York DMA. First, colocation will result in enormous service gains for the benefit of NJPBA and the public it serves while preserving existing service to its current audience. Obviously, too, colocation will eliminate the substantial interference to WNJB-DT's current predicted service contour occasioned by the Commission's favorable action on ABC's waiver request. In addition, colocated WNJB-DT would improve its service to 14 out of 15 counties in New Jersey currently being served by its analog facility, with an overall increase of predicted service to New

Jersey of 36%. The only service loss from WNJB-DT in New Jersey would be a sliver of population (7862 persons) in Hunterdon County; however, the area of this service loss from WNJB-DT is currently served by Station WNJT-DT, Trenton, New Jersey, which is fully licensed. Similarly, it may also be noted that analog WNJB currently provides minimal service to Pennsylvania, outside the New York DMA; while the proposed move of WNJB-DT will result in a loss of service to approximately 11,200 people in that state, this service loss area is likewise currently served by WNJT-DT. Overall, the colocation of WNJB-DT will result in a service gain of over 8,600,000 people, or almost 81%, when compared to current analog WNJB coverage. See Engineering Statement pp. 3-4. By any measure, colocation produces a dramatic improvement in service. Indeed, this improvement, in conjunction with other NJPBA facilities will maximize DTV service to the public, which is of paramount concern to the Commission as the country transitions from analog to digital operation.¹²

22. Finally, colocation is entirely consistent with maintenance of the New York DMA as a “VHF” market. Colocation of WNJB-DT in fact reinforces this perception.

23. In short, colocation maximizes service in the market and eliminates every interference issue that has been raised in this matter without requiring any licensee, let alone NJPBA, which played by all of the allocation rules to secure Channel 8 for DTV use, to suffer service losses. Moreover, as the foregoing summary attests, NJPBA played a key role in achieving an accord with ABC in

¹² Much of this information was provided by NJPBA in its Ex Parte Presentation filed June 20, 2006 in MB Docket 03-15.

consultation with the FCC staff which effectively allowed the FCC to resolve the parties' dispute in a mutually satisfactory manner consistent with the FCC's objectives. There is absolutely no reason, under the circumstances, why NJPBA should be denied the benefit of its arrangement with ABC at this time. Indeed, notwithstanding the Commission's articulated rationale for granting ABC its waiver request, fundamental fairness requires granting NJPBA the relief it seeks in a timely way so that, just as ABC has been assured of DTV Channel 7, NJPBA can be assured of permanent authorization to operate Station WNJB-DT from the FTS site.

VI. CONCLUSION

24. The situation involving the efforts by NJPBA and New York-area stations to maximize service to the public is truly unique. There is no question but that colocation is the superior solution for the allocations issues which attend the DTV transition in this, the Number One market in the country. The facts of this case amply justify assuring NJPBA of the benefits of its bargain through waiver of the freeze and processing now of the NJBPA application to relocate WNJB-DT to FTS. To do otherwise would be unfair and inconsistent with the public interest.

Respectfully submitted,

NEW JERSEY PUBLIC
BROADCASTING AUTHORITY

By: _____
Malcolm G. Stevenson

SCHWARTZ, WOODS & MILLER
Suite 610, The Lion Building
1233 20th Street, NW
Washington, DC 20036

Its Attorneys
January 25, 2007

ATTACHMENT A

United States of America
FEDERAL COMMUNICATIONS COMMISSION
DIGITAL/TELEVISION BROADCAST STATION LICENSE

Authorizing Official:

Official Mailing Address:

NEW JERSEY PUBLIC BROADCASTING AUTHORITY
PO BOX 777
TRENTON NJ 08625

Clay C. Pendarvis
Associate Chief
Video Division
Mass Bureau

Facility Id: 48465

Grant Date: September 15, 2003

This license expires 3:00 a.m.
local time, June 01, 2007.

Analog Call Sign: WNJT

Digital Call Sign: WNJT-DT

Analog License File Number: BLET-20030625AAS

Digital License File Number: BLEDT-20030411AAE

This license covers Analog Permit No.: BPET-20030224AAE

This license covers Digital Permit No.: BMPEDT-20030224AAF

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

ANALOG TELEVISION ENGINEERING DATA

Callsign: WNJT-DT

License No.: BLEDT-20030411AAE

Name of Licensee: NEW JERSEY PUBLIC BROADCASTING AUTHORITY

Station Location: NJ-TRENTON

Frequency (MHz): 698 - 704

Carrier Frequency (MHz): 699.24 Visual 703.24 Aural

Channel: 52

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Antenna type: (directional or non-directional): Non-Directional

Description: DIE, TUA-04-12/48H-1-R

Beam Tilt: 0.5 Degrees Electrical

Major lobe directions (degrees true): Not Applicable

Antenna Coordinates: North Latitude: 40 deg 16 min 58 sec

West Longitude: 74 deg 41 min 11 sec

Transmitter output power: 67 kW
18.26 DBK

Maximum effective radiated power (Peak): 1950 kW
32.9 DBK

Height of radiation center above ground: 282 Meters

Height of radiation center above mean sea level: 300 Meters

Height of radiation center above average terrain: 266 Meters

Antenna structure registration number: 1045124

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

DIGITAL TELEVISION DATA

Name of Licensee: NEW JERSEY PUBLIC BROADCASTING AUTHORITY

Station Location: NJ-TRENTON

Frequency (MHz): 644 - 650

Channel: 43

Hours of Operation: Unlimited

Callsign: WNJT-DT

License No.: BLEDT-20030411AAE

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Antenna type: (directional or non-directional): Non-Directional

Description: DIE, TUA-04-12/48H-1-R

Beam Tilt: 0.5 Degrees Electrical

Major lobe directions (degrees true): Not Applicable

Antenna Coordinates: North Latitude: 40 deg 16 min 58 sec

West Longitude: 74 deg 41 min 11 sec

Transmitter output power: 2.3 kW
3.56 DBK

Maximum effective radiated power (Average): 46 kW
16.6 DBK

Height of radiation center above ground: 282 Meters

Height of radiation center above mean sea level: 300 Meters

Height of radiation center above average terrain: 266 Meters

Antenna structure registration number: 1045124

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

*** END OF AUTHORIZATION ***

ATTACHMENT B

TechWare, Inc,

Service Comparison to Support a Post DTV Transition Site / Facility Change for WNJB New Brunswick, NJ DTV Channel 8 January 23, 2007

Background

In the DTV channel election process station WNJB New Brunswick, NJ elected to remain on its current DTV channel 8. Station WABC New York, NY elected to return to its analog channel 7 for post transition DTV operation. An analysis by the FCC indicated that this election would be in conflict with the first round election of channel 8 by WNJB. The FCC determined that WABC's operation on channel 7 would cause 2.8% new interference to WNJB which is well above the permitted 0.1% limit specified by the FCC. WABC then requested a waiver of the required interference protection of WNJB.

Subsequently, WNJB offered, at its own expense, to move its post transition facility to a new site at 4 Times Square, New York, NY. That move would have resolved the interference problem for WABC and at the same time also improved the post transition service for WABC. That proposal was supported by WABC. However, the FCC refused to allow that solution and instead granted WABC the requested waiver.

TechWare, Inc,

In that WNJB still desires to move to the 4 Times Square location for its post transition DTV operation a study was undertaken to determine the potential impact that move would cause to the stations in the proposed post transition allotment table. The study used the FCC OET Bulletin-69 methodology and the 2000 Census data as used by the FCC in the DTV channel election process. The station data used for the analysis was from the allotment table contained in Appendix A of the FCC's Seventh Further Notice of Proposed Rule Making in the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service and the parameters contained in Appendix B of that Notice.

The proposed WNJB facility at 4 Times Square is as follows:

Site Coordinates: 40-45-22 North Latitude 73-59-12 West Longitude

Height of the radiation center above mean sea level (RCAMSL): 311 m

Effective Radiated Power (ERP) 11.24 kW non-directional

The analysis results based on the above indicates that WNJB could make the proposed move without increasing the interference to any other allotment in the proposed table. In addition, as shown in the attached comparison table, the service of four stations (WABC-TV, WICZ-TV, WGAL and WBPH-TV) would actually improve. In fact the reduction in the total overall interference to WABC-TV would be more than 50% (a gain of 92,596 viewers of which 88,087 are in New Jersey), while that of WGAL would be almost one-third and WBPH-TV almost 50%.

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In addition, if WNJB keeps its current facility it would receive interference to 9.72% of the population that would otherwise receive service. Of that 9.72%, 7.84% would come from WABC. The proposed WNJB facility at 4 Times Square would receive interference to only 0.08% of its service population of which only 0.008% would be from WABC.

Furthermore, an analysis of the current service provided by WNJB's analog channel 58 compared to the predicted post transition service of the proposed new DTV facility on channel 8 at the 4 Times Square location indicates an overall service increase of 80.8%. While, the increase in the predicted service for WNJB's primary audience in New Jersey would be 36%. With the proposed new facility the service will increase in 14 out of 15 counties in New Jersey with the only loss related to the proposed move being in Hunterdon county where service would be reduced by 7.5%. Outside of New Jersey there would be 7.4% reduction in service to Bucks county Pennsylvania and in Northampton county Pennsylvania the service would drop from 9,372 to 707 people. However, all of the loss in Hunterdon and Bucks counties and a significant portion of that in Northampton county will be served by WNJB's sister station WNJT DTV channel 43 Trenton, NJ.

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The following table shows the state and county breakdown of the predicted service for the current WNJB analog channel 58 and the proposed post transition service on channel 8.

Service Comparison
WNJB New Brunswick, NJ Current Analog Channel 58 / Proposed Post Transition DTV Channel 8

State	County	Current Analog Service		Post Transition at 4 Times Square		Service Gain / Loss Compared to Current Analog	
		Population	Households	Population	Households	Population	Households
CT	FAIRFIELD	0	0	761,428	280,475	761,428	280,475
CT	NEW HAVEN	0	0	24,137	9,710	24,137	9,710
NJ	BERGEN	383,918	148,727	884,118	330,817	500,200	182,090
NJ	BURLINGTON	1,218	516	24,608	8,032	23,390	7,516
NJ	ESSEX	642,058	226,219	793,633	283,736	151,575	57,517
NJ	HUDSON	608,975	230,546	608,975	230,546	0	0
NJ	HUNTERDON	98,966	35,168	91,104	32,313	-7,862	-2,855
NJ	MERCER	106,832	37,466	342,540	122,902	235,708	85,436
NJ	MIDDLESEX	748,770	265,294	750,162	265,815	1,392	521
NJ	MONMOUTH	581,877	211,131	615,209	224,209	33,332	13,078
NJ	MORRIS	438,257	158,301	469,015	169,310	30,758	11,009
NJ	OCEAN	85,077	25,445	361,150	139,765	276,073	114,320
NJ	PASSAIC	125,161	42,379	489,049	163,856	363,888	121,477
NJ	SOMERSET	296,803	108,666	297,436	108,964	633	298
NJ	SUSSEX	42,140	15,056	124,398	43,793	82,258	28,737
NJ	UNION	522,541	186,124	522,541	186,124	0	0
NJ	WARREN	28,686	10,666	31,042	11,748	2,356	1,082
NY	BRONX	431,489	138,238	1,332,650	463,212	901,161	324,974
NY	DUTCHESS	0	0	17,947	6,539	17,947	6,539
NY	KINGS	2,416,305	863,981	2,465,326	880,727	49,021	16,746
NY	NASSAU	2,337	750	1,334,544	447,387	1,332,207	446,637
NY	NEW YORK	1,251,511	633,885	1,537,195	738,644	285,684	104,759
NY	ORANGE	0	0	198,123	64,819	198,123	64,819
NY	PUTNAM	0	0	86,910	29,520	86,910	29,520
NY	QUEENS	1,387,947	496,795	2,229,379	782,664	841,432	285,869
NY	RICHMOND	411,334	144,572	443,728	156,341	32,394	11,769
NY	ROCKLAND	0	0	286,753	92,675	286,753	92,675
NY	SUFFOLK	0	0	1,191,513	385,176	1,191,513	385,176
NY	ULSTER	0	0	95	38	95	38
NY	WESTCHESTER	3,023	1,070	922,819	336,923	919,796	335,853
PA	BUCKS	36,006	13,491	33,357	12,850	-2,649	-641
PA	NORTHAMPTON	9,372	3,506	707	231	-8,665	-3,275
PA	PIKE	0	0	182	82	182	82
Total		10,660,603	3,997,992	19,271,773	7,009,943	8,611,170	3,011,951

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As discussed above the proposed move by WNJB to the 4 Times Square location would significantly improve the post transition service not only of WNJB but for several other stations in the area. In view of that, the move proposed by WNJB is more than justified and would be good management of the scarce spectrum available for television broadcasting in this very congested area.

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**Post DTV Transition Predicted Interference Impact from WNJB Channel 8 New Brunswick, NJ
Current Allotment versus Proposed Facility at 4 Times Square New York, NY**

Potentially Affected Stations

Channel	Call Sign	City	State	Percent Received Interference (Total) with WNJB at current site	Percent Received Interference (Total) with WNJB at 4 Times Square	Percent Improvement
7	WXXA-TV	Albany	NY	1.13	1.13	0.00
7	WBNG-TV	Binghamton	NY	1.85	1.85	0.00
7	WABC-TV	New York	NY	0.89	0.42	52.81
8	WICZ-TV	Binghamton	NY	0.94	0.93	1.06
8	WWCP-TV	Johnstown	PA	0.84	0.84	0.00
8	WGAL	Lancaster	PA	2.55	1.72	32.55
9	WEDN	Norwich	CT	29.82	29.82	0.00
9	WBPH-TV	Bethlehem	PA	8.38	4.38	47.73